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10/080,822	02/22/2002	Kuniyoshi Maruyama	597/1/005	9540

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EXAMINER

KYLE, MICHAEL J

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 08/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/080,822

Applicant(s)

MARUYAMA, KUNIYOSHI

Examiner

Michael J Kyle

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-4 are objected to because the preamble to the claims set forth the claims as apparatus claims by reciting “a bulletin board managing and charging *system*” (emphasis added “system”), while the body of the claims recite method steps. It is unclear whether the applicant intends for the claims to be apparatus or method claims. For the purpose of this examination, the examiner will consider the claims as method claims.
2. Claims 1-4 are objected to because the method steps are not listed individually, with an indentation for each method in the claim; rather, all the method steps are grouped together in an improper single paragraph form.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Oshima (US Patent Application Publication No. US 2003/0074265). Oshima discloses a managing and charging system on an internet where a third person (page 9, paragraph [0131]) whose address is not open to the public can post a message, wherein upon receiving an application by a visitor (“giver”, from second terminal 90, described in the abstract, lines 16-18) for a mail and transmission and gift delivery to a posted person (“recipient”), the system performs a step to

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confirm the receiver of the gift and mail by using a storage unit (page 3, paragraph [0025]), a step to confirm a payment completion for the gift to the posted person by using payment processing means (page 7, paragraph [0088]), and a step to notify a mail address of the posted person by using the storage unit. The examiner considers checking the stored shipping address of the recipient to be a confirmation of the receiver. The examiner also notes the entity responsible for shipping the gift will be notified of the posted person's address that is stored on the storage means.

5. With respect to claim 2, Oshima discloses that after the confirmation of the payment completion, a step to deliver the gift to the posted person by using physical distribution means (page 7, paragraph [0088]). The examiner asserts that physical (non-electronic) gift will be delivered using physical distribution means.

6. With respect to claim 3, Oshima discloses a managing and charging system on an internet where a manager (page 9, paragraph [0131]) can post a message, wherein upon receiving an application by a visitor ("giver", from second terminal 90, described in the abstract, lines 16-18) for a mail and transmission and gift delivery to a posted person ("recipient"), the system performs a step to confirm the receiver of the gift and mail by using a storage unit (page 3, paragraph [0025]), a step to confirm a payment completion for the gift to the posted person by using payment processing means (page 7, paragraph [0088]), and a step to notify a mail address of the posted person by using the storage unit. The examiner asserts that the person posting the gift information on the registry can be considered a manager. The examiner also considers checking the stored shipping address of the recipient to be a confirmation of the receiver. The

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examiner also notes the entity responsible for shipping the gift will be notified of the posted person's address that is stored on the storage means.

7. With respect to claim 4, Oshima discloses that after the confirmation of the payment completion, a step to deliver the gift to a person who corresponds to the posted message by using physical distribution means (page 7, paragraph [0088]). The examiner asserts that physical (non-electronic) gift will be delivered using physical distribution means.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to gift ordering and delivery methods: Hartman et al, LeRoy et al, Dodd, Ewing, Natarius et al, and Bezos et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

mk

  
Anthony Knight  
Supervisory Patent Examiner  
Tech Center 3600